

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

**CONSOLIDATED UNDER  
CASE NO. 05-10155 PBS**

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YISEL DEAN, et. al.,

Plaintiff,

v.

RAYTHEON COMPANY, et al.,

Defendants.

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Case No.: 05 CV 10155 PBS

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LISA A. WEILER, et. al.,

Plaintiff,

v.

RAYTHEON COMPANY, et al.,

Defendants.

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Case No.: 05 CV 10364 PBS

**ASSENTED TO MOTION TO EXTEND EXPERT DESIGNATION DEADLINES**

Plaintiffs respectfully move to continue the date for designation of Plaintiff's experts until three weeks after the fact discovery deadline to be set by Magistrate Judge Sorokin. As grounds for this motion, Plaintiffs state the following:

1. On September 28, 2005, this Court issued a Scheduling Order [05-CV-10364-PBS, Docket # 26] requiring that fact discovery be completed by January 30, 2006, and that Plaintiffs' expert designations be made three weeks later on February 20,

2006.<sup>1</sup>

2. Before the scheduled close of fact discovery, Magistrate Judge Sorokin held a motion hearing regarding outstanding discovery issues. At the conclusion of that motion hearing, Magistrate Judge Sorokin said that he would extend the time period of fact discovery, but needed further briefing in order to decide one of the outstanding discovery issues – his resolution of that issue would determine by how much time he would extend the fact discovery deadline. See Transcript of Motion Hearing Before the Honorable Leo T. Sorokin, January 25, 2006 at 130. Magistrate Judge Sorokin required that briefing on that issue be completed by February 21, 2006, and noted that he hoped to issue a decision by the first week in March. Id. at 133. In addition, both sides are still actively involved in fact discovery.<sup>2</sup>

3. Because Magistrate Judge Sorokin indicated during the motion hearing that he intends to adjust the fact discovery deadline after briefing is completed on the remaining discovery issues, and because the current deadline for Plaintiffs' expert designations is approaching, out of an abundance of caution Plaintiffs seek clarification that the deadline in the current Scheduling Order will be extended. Plaintiffs ask that – as indicated in this Court's Scheduling Order – they be given until three weeks after the close of fact discovery by which to submit their expert designations.

4. Such an extension will not interfere with the September 18, 2006 trial date

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<sup>1</sup> The day after announcing this Scheduling Order, on September 29, 2005, this Court consolidated 05-CV-10364-PBS with 05-CV-10155-PBS, with the latter designated as the lead case. [05-CV-10364-PBS, Docket #24]. On July 27, 2005, this Court had issued a Scheduling Order in 05-CV-10155-PBS, also requiring that Plaintiffs' expert designations be made on February 20, 2006. [05-CV-10155-PBS, Docket # 43].

<sup>2</sup> For example, on February 17, 2006, Defendant produced documents to the Plaintiffs, and the parties are awaiting an order from the Court regarding the production of the cockpit voice recorder. The parties anticipate that additional discovery depositions will take place after entry of Magistrate Judge Sorokin's orders on the pending discovery issues.

set by this Court's Scheduling Order.

WHEREFORE, Plaintiffs respectfully request that the date for designation of Plaintiffs' experts be extended until three weeks after the fact discovery deadline to be set by Magistrate Judge Sorokin.

Respectfully Submitted,

/s/ Jacob T. Elberg

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Dated: February 17, 2006

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)**

I, Jacob T. Elberg, hereby certify that on February 17, 2006, David A. Bunis and I conferred with Defendant's local counsel, Gary Harvey, pursuant to Local Rule 7.1(A)(2). Defendant's counsel assents to this motion.

/s/ Jacob T. Elberg

Date: February 17, 2006

**CERTIFICATE OF SERVICE**

I, Jacob T. Elberg, hereby certify that a true and correct copy of this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as nonregistered participants on February 17, 2006.

/s/ Jacob T. Elberg